

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
WESTERN DIVISION

BIG RIVER ENTERPRISES, LLC
and LAKE OF TORCHES FEDERAL
DEVELOPMENT CORPORATION

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 5:07cv219-DCB-JMR

EMERALD STAR CASINO & RESORTS, INC.

DEFENDANT

ORDER OF DISMISSAL

This matter comes before the Court on the plaintiffs' Motion to Dismiss Without Prejudice [**docket entry no. 18**]. Having carefully considered the Motion, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

On January 14, 2008, the defendant filed a Motion to Include Necessary Party [**docket entry no. 9**] and a Motion to Dismiss [**docket entry no. 10**]. After having filed a suit in a Mississippi state court urging the same claims as in this case and joining all necessary parties, the plaintiffs filed their Motion to Dismiss Without Prejudice [**docket entry no. 18**] on April 23, 2008. The defendant has raised no opposition to the plaintiffs' Motion. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court finds the plaintiffs' Motion to be well-taken. Therefore,

IT IS HEREBY ORDERED that the plaintiffs' Motion to Dismiss

Without Prejudice [docket entry no. 18] is **GRANTED**.

IT IS FURTHER ORDERED that the defendant's Motion to Include Necessary Party [docket entry no. 9] and Motion to Dismiss [docket entry no. 10] are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this action shall be **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this the 8th day of May 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE